

enclosed copies of the executed Declaration and corresponding date-stamped post card receipt. It was further asserted in the Notice of Incomplete Reply that the late filing fee or oath or declaration surcharge as set forth in 37 C.F.R. 1.16(e) was not received. Applicants responded by mailing a Completion of Filing Requirements – Nonprovisional Application on April 20, 2001, a copy of which is enclosed as Exhibit 4. Applicants therein authorized the Office to charge Account No. 01-1173 in the amount of \$1520.00 for both the fee for late filing of the executed Declaration and the applicable extension fees. Moreover, Applicants authorized the charging of any additional fees. Applicants have enclosed as Exhibit 5 a copy of the date-stamped post card receipt evidencing receipt by the Office of the Completion of Filing Requirements – Nonprovisional Application as of April 23, 2001. Therefore, Applicants respectfully submit that any fees associated with late filing of the executed declaration have been paid within the allowed time period.

Significantly, Applicants have received from the Office the original executed Declaration mailed on November 20, 2000. Applicants have no record that any further documents from the Office accompanied the returned original executed Declaration, and as a result, Applicants are not aware of the reason(s) for its return. However, as can be seen on the enclosed copy (Exhibit 6), each page of the returned original executed Declaration is date stamped as received by the Office on November 27, 2000. Applicants respectfully request that the Office clarify its reason(s) for returning the original executed Declaration. In addition, Applicants will gladly provide the Office with the original, returned, date-stamped and executed Declaration upon clarification of the status of this application as well as the reason(s) for return of the original executed Declaration.

Applicants also respectfully request that the Office clarify a statement made in the Notice of Incomplete Reply mailed on April 11, 2001, a copy of which is enclosed as Exhibit 7. It is stated therein that “[t]he U.S. Patent and Trademark Office has received your reply on **11/27/2000** to the Notice to File Missing Parts (Notice) mailed **01/19/2001**” (Emphasis Added). The dates in this sentence are inconsistent, as it would be impossible to file a reply to a notice before the notice was ever mailed. Furthermore, Applicants have no record of any correspondence mailed by the Office with regard to the instant application on January 19, 2001. Thus, Applicants respectfully request that the Office explain which document was mailed on January 19, 2001, and if the Office has record that any document regarding this case was mailed

to Applicants on January 19, 2001, Applicants respectfully request that the Office provide the Applicants a copy of the same.

Conclusion

Applicants respectfully submit that, in combination, the executed Declaration mailed November 20, 2000 and the Completion of Filing Requirements – Nonprovisional Application mailed April 20, 2001 are fully responsive to the original Notice of Missing Parts of Nonprovisional Application mailed October 26, 2000. Thus, Applicants submit that no further response is necessary to complete the present application, and Applicants request that the application be assigned to an examiner for prosecution.

Respectfully submitted,



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Enclosures: Exhibit 1 - Notice of Incomplete Reply (Nonprovisional) mailed May 3, 2001;
Exhibit 2 - Executed Declaration and Power of Attorney for Patent Application mailed November 20, 2000;
Exhibit 3 - Copy of date-stamped post card receipt indicating receipt of the executed Declaration by the Office as of November 27, 2000;
Exhibit 4 - Completion of Filing Requirements – Nonprovisional Application mailed on April 20, 2001;
Exhibit 5 - Copy of the date-stamped post card receipt indicating receipt of the Completion of Filing Requirements – Nonprovisional Application by the Office as of as of April 23, 2001;
Exhibit 6 - Copy of the returned original executed Declaration; and
Exhibit 7 - Notice of Incomplete Reply (Nonprovisional) mailed April 11, 2001.